

SCOTT L. BRINKMEIER
CARROLL COUNTY STATE'S ATTORNEY

COURTHOUSE
P.O. BOX 209
MT. CARROLL, ILLINOIS 61053
TELEPHONE: 815-244-0290

APRIL 9, 2014

RE: PUBLIC ACT 096-1087
(SEXTING)

DEAR PARENT(S)/GUARDIAN(S):

ON JULY 19, 2010, GOVERNOR PAT QUINN SIGNED INTO EFFECT PUBLIC ACT 096-1087 WHICH PROHIBITS MINORS FROM BEING INVOLVED IN THE ELECTRONIC DISSEMINATION OR DISTRIBUTION OF INDECENT VISUAL DEPICTIONS (ALSO KNOWN AS SEXTING). THIS PUBLIC ACT WILL TAKE EFFECT ON JANUARY 1, 2011 AND IS CODIFIED IN THE JUVENILE COURT ACT AT CHAPTER 705, ACT 405, SECTION 3-40 OF THE ILLINOIS COMPILED STATUTES.

THIS NEW ACT APPLIES TO INDIVIDUALS UNDER 18 YEARS OF AGE AND PROHIBITS THE USE OF COMPUTERS OR AN ELECTRONIC COMMUNICATION DEVICE TO DISTRIBUTE OR DISSEMINATE AN INDECENT VISUAL DEPICTION TO ANOTHER. ELECTRONIC COMMUNICATION DEVICES INCLUDE WIRELESS TELEPHONES, PERSONAL DIGITAL ASSISTANTS, PORTABLE OR MOBILE COMPUTERS, OR ANY OTHER ELECTRONIC DEVICE CAPABLE OF TRANSMITTING IMAGES OR PICTURES. INDECENT VISUAL DEPICTION IS DEFINED AS A DEPICTION OR PORTRAYAL IN ANY POSE, POSTURE OR SETTING INVOLVING A LEWD EXHIBITION OF THE UNCLOTHED OR TRANSPARENTLY CLOTHED GENITALS, PUBIC AREA, BUTTOCKS, OR, IF SUCH A PERSON IS A FEMALE, A FULLY OR PARTIALLY DEVELOPED BREAST OF THE PERSON.

AN INDIVIDUAL UNDER 18 YEARS OF AGE WHO HAS BEEN FOUND TO VIOLATE THIS SECTION SHALL BE DEEMED A MINOR IN NEED OF SUPERVISION UNDER THE JUVENILE COURT ACT. SUCH AN INDIVIDUAL WOULD BE SUBJECT TO A JUVENILE PETITION BEING FILED AND REQUIRING THAT MINOR AND HIS/HER PARENTS TO APPEAR IN JUVENILE COURT. PUNISHMENT FOR AN INDIVIDUAL WHO VIOLATES THIS SECTION COULD INCLUDE BEING ORDERED TO PERFORM COMMUNITY SERVICE WORK OR BEING ORDERED TO OBTAIN COUNSELING OR OTHER SUPPORTIVE SERVICES TO ADDRESS THE ACTS THAT LED TO THE NEED FOR SUPERVISION. PLEASE SPEAK TO YOUR CHILDREN ABOUT THIS NEW LAW TO ADVISE THEM OF THE LEGAL CONSEQUENCES OF VIOLATING THIS SECTION.

SINCERELY,

SCOTT BRINKMEIER
CARROLL COUNTY STATE'S ATTORNEY

Fax: 815-244-2958
e-mail: statesatt@intemetri.com